THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.25629 of 1999

Dated : 03.07.2007

Between:

Charugundla Obulesu S/o Chinnarappa

..... PETITIONER

And:

State of A.P., rep., by its Secretary,
Revenue Department, Secretariat, Hyderabad,
and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER:

Petitioner is the devotee of Sri Kasi Viswanathaswamy and he worships the deity at the seventh respondent-temple. The Government proposed to acquire the land of the seventh respondent, admeasuring Acs.4.50 cents of land in Sy.No.382/2A situated at Dharmavaram Town and Mandal in Anantapur District, by issuance of a notification, dated 23.06.1999, under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act"), for the purpose of providing house sites to weaker sections. On the instructions of the Joint Collector, Anantapur, the fifth respondent, in his proceedings dated 16.11.1999, mentioned eighty

percent of compensation, determined for the land of the 7th respondent-temple, as Rs.36,000/-, and directed the third respondent to take possession of the land from the Executive Officer of the temple.

Now the grievance of the petitioner is that the Government has issued certain instructions under G.O.Ms.Nos.456 and 363 dated 29.09.1995 and 26.04.1999, respectively, for acquiring endowment lands, but without following the said instructions and though there is alternative land nearby the land in question, the respondents proposed to acquire the land in question. His further grievance is that without initiating proceedings under the Act, the respondents have fixed meager compensation for the land in question. Hence, this writ petition.

Despite service of notice, respondents 1 to 6 have not chosen to file any counter. The seventh respondent-temple, represented by its Executive Officer, filed a counter-affidavit supporting the contentions of the petitioner.

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue and the learned counsel appearing for the seventh respondent.

Under G.O.Ms.Nos.456 and 363 dated 29.09.1995 and 26.04.1999, respectively, the Government has issued certain guidelines for acquiring the endowment lands. As per the said Government Orders, if there is no alternative land nearby the endowment land, the endowment land shall be selected for providing house sites to weaker sections, and the high level committee consisting of the Chief Commissioner of Land Administration, Commissioner of Endowments and Commissioner of Social Welfare shall finalise the compensation payable to the endowment lands, taking into consideration various aspects. As no counter is filed by respondents 1 to 6 controverting the contentions put forth by the petitioner, and as there is no record to establish that respondents 1 to 6 have followed the said guidelines, this

Court is of the view that respondents 1 to 6 have no power to fix the value of land under acquisition. Therefore, the action of the respondents can definitely be said to be illegal and arbitrary.

Accordingly, the writ petition is allowed, and the notification dated 23.06.1999 issued under Section 4(1) of the Act is set aside. Respondents 1 to 6 are hereby directed to follow the guidelines issued in G.O.Ms.No.456 dated 29.09.1995 and G.O.Ms.No.363 dated 26.04.1999.

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03.07.2007

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